

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

Thursday, August 6, 2020

20

ITEM 1: CALL TO ORDER: Mayor Williams called the Riverside, Ohio City Council Meeting to order at 6:00 p.m. at the Riverside Administrative Offices located at 5200 Springfield Street, Suite 100, Riverside, Ohio, 45431.

ITEM 2: ROLL CALL: Council attendance was as follows: Ms. Campbell, present; Mr. Denning, present; Ms. Franklin, present; Ms. Fry, present; Ms. Lommatzsch, present; Mr. Teaford, present; and Mayor Williams, present.

Staff present was as follows: Mark Carpenter, City Manager; Chris Lohr, Assistant City Manager; Tom Garrett, Finance Director; Frank Robinson, Police Chief; Dan Stitzel, Fire Chief; Kathy Bartlett, Public Services Director; Gary Burkholder, Community Development Director; Dalma Grandjean, Law Director; and Katie Lewallen, Clerk of Council.

ITEM 3: EXCUSE ABSENT MEMBERS: No members of council were absent.

ITEM 4: ADDITIONS OR CORRECTIONS TO AGENDA: There were no changes or corrections to the amended agenda.

ITEM 5: APPROVAL OF AGENDA: Mr. Denning motioned to approve the amended agenda. Mr. Teaford seconded the motion. All were in favor; none opposed. **Motion carried.**

ITEM 6: PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE: Mayor Williams led the pledge of allegiance.

ITEM 7: MINUTES: Mr. Denning motioned to approve the minutes from the and the July 16, 2020 council meeting and the July 23, 2020 work session. Mrs. Franklin seconded the motion. All were in favor; none opposed. **Motion carried.**

ITEM 8: WRITTEN CITIZEN PETITIONS: Mayor Williams advised citizens to fill out a form if they wished to speak about agenda or non-agenda items.

ITEM 9: DEPARTMENT UPDATES:

A) Police Department – Chief Frank Robinson: Just a few things tonight; the cruisers will hopefully be here by the end of the month with COVID some things got pushed back so looking for the end of the month. This month they had ARC (Animal Resource Center) on Webster Street. They came to the PD and gave us two brand new scanners in case there were some dogs and we needed to identify them. That was absolutely free and we appreciate it. Matt Jackson is out with a broken finger due to an arrest he was making and subsequently broke his finger. He was out for about a month, but the last two weeks he has been doing office work with Danny Brodnick in property, along with him and Major Colon, they have been able to eliminate about two years of property sitting in the evidence locker. There are a lot of boxes in there that have a lot of cases in them and there are some basic things like drug paraphernalia that we can burn or some found property that no one came to claim that we can get rid of. We have to go through the motions of putting it into the computer and then getting rid of those. They did about two years of that, which is a lot, in about a two-week span. Sgt. Vance is out with a torn ACL/MCL; his diagnosis is about three months so he is about a month-and-a-half away from even being able to come back to work. I did see him the other day; he is walking around. He looks pretty good and says he feels great, but the doctor probably not going to release him for a while, yet. The last thing I want to talk about is the Ohio Collaborative. We have submitted for Section III and was approved for that so we are good to go there. We, actually, did Section IV, today, which is vehicle pursuits, and we got the information back from them to add one line to one of the sections and we are good to go there. We are up to speed on the Ohio Collaborative. We have done some training in reference to the bias policing so we are staying on top of that as much as possible.

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Mr. Teaford: Chief, what is the status of the massage parlor on Valley Street? I know they are still open and the other day I saw the woman who runs it ushering a couple young Asian women into the business. I guess they are masseuse, but they sure looked awful young. Chief Robinson: I cannot help you with that one; maybe Mr. Burkholder can help you with what is going on there. We have not had any calls there or anything like that. Mr. Teaford: I thought we were trying to get it shut down. Chief Robinson: That is not something I can do; you have to speak with Mr. Burkholder with reference to what we can do there.

Deputy Mayor Lommatzsch: Chief, on the city manager's report that he reports your significant events, can you clarify something for me? It says road patrol conducted 36 traffic stops and issued 42 citations and offenses. How do those numbers jive? I am sure they are right, I would just like to know how that works. Chief Robinson: Any traffic stop, especially a traffic accident can give more than one citation. They are counted as multiple citations. If someone were speeding and had a traffic accident and lost control and hit a car from the rear end, they may very well get two citations. Also, there could be someone with a DUI that had a traffic accident. It could be a speeding ticket and a seatbelt. Deputy Mayor Lommatzsch: So, they would be separate then. Okay, thank you. I am sure it has looked like that before; it just popped out this time.

Mr. Denning: Are the new cars the same as what we have had, the Fords, or are stepping up to the Durango like the base? Chief Robinson: No sir, we are going to stick with what we got. We can interchange some of the parts and it doesn't cost as much as we take some parts out of the cars that we are fitting in and put it in to those cars. They will change a little bit because of the size, but have roughly some stuff we can use. It makes more sense.

B) Fire Department – Chief Dan Stitzel: The big news we have right now is we were approved for the Assistance to Firefighters Grant. This is the FEMA grant that we submitted back in March or April; we brought to you for a resolution to approve this for the grant. We are getting \$176,996 from FEMA to go towards the purchase of the electric and hydraulic powered cots in the load systems. Our share is the \$17,700 that we will bring an appropriation to at the next meeting to get that money in place to place the order. Everybody here is very excited. This is our third, maybe fourth, year we have tried to put in for it. We took a different approach and rewrote it this time and we end up getting awarded for it. The power cots will be a welcome addition to the fleet, certainly help with the firefighters preventing back injuries and making it safer to maneuver patients around. We are excited about this; this is a big deal for us. The other thing is we have had several large incidents in this past month. We've had two working fires, both on Reedsdale; they were unrelated, 22 days apart. We also had a 2-alarm fire on Bueno Court. I am sure a lot of you have probably seen that. We also had multiple vehicles catch on fire in a parking lot over on Intercity Drive. The working fires, especially the 2-alarm fire we had, presented quite a few challenges to us as far as our staffing levels. We ended up only having three people available, the battalion and two people on a fire engine to respond to the Bueno Court fire. We had a very heavy mutual aid contingency coming from Kettering, Beavercreek, Dayton, WPAFB, Huber Heights, everybody around us came to help and they did a great job. It was a very hot day; we ended up having to rotate crews in and out multiple times to give them a break and rehab them. I sent thank you letters to all the surrounding departments for their great help. It is a challenge for us when we are short staffed like that and we have these big incidents and we are trying to get there as quick as we can with as much work force as we can. These fires were able to grow to a point to where it was a real challenge to get them under control. We did have one minor injury. One firefighter went to the hospital for heat exhaustion; he ended up being fine, treated and released, and back to work without any issues. The weather certainly didn't help with all the heat, but all these fires ended up resulting in multiple site exams for investigations; working with the insurance investigators so there is still a lot of work going on involving these incidents. We have had a busy month and I wanted you to know your fire department did a great job out there.

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Mr. Teafor: Why was there only three people available? Don't you usually have more people onboard? Chief Stitzel: Our minimum staffing is five. We have to maintain five at a minimum. With vacations and everything, our average is eight a day. We were approved to be at nine a day back in 2006, but with the part-time shortages we have been dealing with and the loss of budget monies, we are stuck down at eight right now. Since 2006, our call volumes have increased 51% and we have a 16% decrease in staffing so we really should be around 11 a day, but with the way our staffing is, we happen to be minimum that day with five. When that fire came in all five were on a complex chest pain call. When the fire call came in, the battalion and fire engine left that call to go to the fire. The other two had to take the person to the hospital. We got caught in one of those spots where we could have had five, but because we have a 31% overlapping call rate also so 30% of the time we have more than one call happening. When you are staffed with only five people, it is really hard to get more than one or two pieces or apparatus out at a time.

Deputy Mayor Lommatzsch: Yeah on the mechanized cots; it has been a long time coming, thanks for being so persistent. I have a granddaughter who is a first responder who just suffered a shoulder injury because they didn't have electronic lifts and she put her shoulder out trying to put it in the ambulance. I can truly appreciate your efforts. Chief Stitzel: We are really excited; we are hoping to have them in the vehicles and in use by mid-October. Deputy Mayor Lommatzsch: Can you arrange some time where we can come and observe how they operate, please? Chief Stitzel: I will bring them to council. We will bring them over to the meeting and put on a show for you guys.

C) Public Services Department – Ms. Kathy Bartlett: I wanted to add to the PAR you received on Woodman/US 35, there were some items listed there we need to have a decision on. I am thinking we will have a work session in September that will address the number of light poles, the Riverside vs. City of Riverside on the bridge, fonts, and the federal paint color. We are going to try to match the Riverside blue as closely as we can to a federal color and we need a little bit of time to gather those paint swatches. I learned something that may or may not affect our Harshman/Beatrice abbreviated highway safety application. They were funding these projects under \$500,000 at 100% because of the decrease in gas tax due to COVID they can no longer do this. It is going to be a 90/10 percent local match. This one got in near the deadline so I am not sure we can still get the 100%, but I have asked. There has been continual delay in getting the mulch for Community Park. We went ahead and ordered the mulch for Shellabarger Park because it has been almost a month for the mulch at Community and we need to time the mulch in Shellabarger with the new playground equipment, which has also been delayed. They told us seven weeks, now it is looking like 12 weeks so we are hoping to still get it in by the end of September.

Mayor Williams: I am looking at the report and under parks it says water line installation from Rohrer Park from concession stand to shelter being done with COVID-19. Does that mean being done with COVID-19 funding? Ms. Bartlett: Yes. Mr. Carpenter: CARES Act funds. Ms. Bartlett: The other two parks have this and Rohrer is the only one that doesn't.

D) City Manager Report – Mr. Mark Carpenter: I put at the dais, the survey that was done with Jane Dockery, when we were planning on the retreat, pre-COVID. I would like to consider having a retreat maybe not as in depth as we initially planned, but a retreat prior to doing the capital improvement program so we can have some conversations and look over the survey and see how our CIP aligns with that survey. That is really the intent behind the CIP to begin with is that it is designed and the preference of the dollars are allotted towards meeting our goals and objectives. Maybe we can have a Saturday, or any other day of the week, we could have a special meeting or the fourth Thursday even that we have some conversation about the survey itself and begin conversation on the CIP.

Ms. Fry: I would be in favor of doing a Saturday. Mrs. Franklin: I would, too. Mayor Williams: I would be in favor of doing a Saturday, a mini-retreat. I think we wouldn't feel rushed like we do in a work session; not that we do feel rushed, but I think a Saturday would

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give us more time to digest what we are talking about. Mrs. Franklin: It is a lot more information and I think it is important as we've pushed this off due to COVID, and I think this is important we bring this back to the table and sit down and discuss it. Mr. Carpenter: I will be glad to send out an email with dates. I think the sooner the better. Ms. Campbell: A retreat is fine, but wouldn't it be better to stay in our chambers for now until we can get out there. Where were you going to have the retreat? Mr. Carpenter: We could do it right here in chambers or I could explore other options as well; I don't have anything reserved at the moment. Ms. Campbell: I will go along with what everybody else wants to do, but wouldn't it be safer to stay where we are at until we know it is safe somewhere else? Mayor Williams: We certainly can use council chambers. I am hoping they are not occupied on a Saturday. Ms. Campbell: What place did you have in mind? Mr. Carpenter: Initially, we were going to do it at the banquet room at the Comfort Suites that was the plan pre-COVID. Ms. Campbell: I've been there that's nice; does it stand for the standards they want us to follow so far apart and all that. Mr. Carpenter: That room is big enough we could accommodate that. Ms. Campbell: That is fine with me. Mr. Carpenter: I will check with them to see the availability. Mr. Denning: Here, Comfort Suites, or even the Eintracht would work. Any of those three to me would be fine because we are on the hook with the Eintracht already that was my thought. Ms. Campbell: The Eintracht is okay, but I would rather do the other one, it is nicer over there. Mayor Williams: We will see what the city manager can come up with. Mrs. Franklin: I think if we decide to do it over at the banquet room, you may want to ask about how water, tea, and stuff like that and if they are providing it. Mayor Williams: So, we will look forward to seeing some dates on a Saturday for a mini-retreat and what location works best as the city manager can sort through that. In addition to that at the dais, on the CIP binder, I wanted to modify the first page, already, so I can break out the existing loans that we have separate from the other items on the list that we intend to pay for in cash. The green highlights are for items expiring next year; the yellows are existing and ongoing until their expiration date. The ones that are white would be new loans. Mr. Denning: Loan ends is the expiration date of the loan; the turnout gear we only pay the next year and the year after. Mr. Carpenter: The thing with that is it is likely to be renewed because it would be new terms.

Secondly, we are working on the financing for the East Springfield Street match in addition to the remaining balance that is on the Center of Flight loan. There is a balloon payment that comes due at the end of the year. We are working with Andrew Brossart from Bradley Payne; he sent out the schedule of the loan process, which we are trying to get completed before October 15. Right now, he has been in contact with different banks to find out who could do the loan. He sent an email with some terms, but I don't have that handy, I will get that out to you to let you know what those terms are. If there is any more update I will give that to you next week at the work session.

We have brought on local government consultants to help catch up with our permits. Right now, we have been swamped with permits. To give you an idea, we budgeted \$10,000 on permit fees for the entire year; we are right now exceeding \$20,000 so we doubled what we had planned for. Mr. Denning: That is not a bad thing. Mrs. Franklin: No, but they need the manpower to execute. Mr. Carpenter: The residents want those permits turned around and I can understand that. We brought in resources to get over the hump the next two-and-a-half weeks to get caught up. We are glad to have them on board and they are getting right after it. Mayor Williams: I think the deputy mayor and I met one of the resources out in the parking lot when we walked in, Ms. McDonnell. The consultants are actually former government employees of City of Fairborn, former city manager and assistant city manager; we are glad to have them on board. They are familiar with the area and interesting enough that the first phone call that Ms. McDonnell made today was someone she knew and dealt with, a Riverside resident, but she had dealt with them in Fairborn. It is nice to have them on board.

Ms. Fry: In the report, it says that you hire a day porter and handyman for the Wright Point buildings, does that obviate the need for a building manager or is that in addition to? Mr. Carpenter: We have a contract with a company who does the cleaning and part of that contract they were to assign a day porter. There has been heavy turnover with that day porter.

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Currently, we have none; we are trying to figure out a different way to approach that. Someone here who is available to change light bulbs, check bathrooms and make sure all the needs of the buildings being met and doing inspections and things of that nature. We are trying to explore an alternative to what we had in the past because that doesn't seem to be working. We will bring forth a proposal if we do something like that in house or to find some type of agency that can provide the service. Ms. Fry: So, if we do, and we will those roles, do we still think we need a building manager? Mr. Carpenter: Yes, this is just for example they check restrooms a couple times a day, they walk the parking lot looking for debris and trash, they wash the glass on the door; very light maintenance. Deputy Mayor Lommatzsch: Where are we attempting to find this person? Mr. Carpenter: I think the first place to look is people that do this type of work. I don't have a list of companies we have reached out to. Deputy Mayor Lommatzsch: My thought is that there may potentially be some retired military folk out there who would like that kind of a job if we let it be known. Is it on our website? Mr. Carpenter: No, this just happened pretty recent. Deputy Mayor Lommatzsch: I'm sure there must be some residents out there who might be interested in that type of a job. Mr. Denning: Is it full-time or part-time? Mr. Carpenter: It has been part-time. Mr. Denning: So, a 28-hour a week job or something like that. It is not a 40-hour a week job. Deputy Mayor Lommatzsch: That's what I mean there has to be in our residency someone interested in that kind of job. Mr. Denning: Or somebody who we previously laid off. Mr. Carpenter: We will take that into consideration; it makes sense. Ms. Campbell: Now, these people are experts at doing this? Mr. Carpenter: It is what they do. Ms. Campbell: To hire somebody outside of that, would they know what to look for; I understand, Sara, and I agree with you, if they do this a lot and they know what to look for, some of the people may not know what to look for. Mr. Carpenter: If we find somebody who has experience, that would be the preference, but it is something we can show people. If we are unsuccessful there, we can show them what needs to be done.

Mayor Williams: Just a quick glance at our census for the whole year, we did receive a mini-grant, do we know what tracks in the city are under counted right now or do we have a good gauge of that? I know it is something we talked about at the beginning of the year and COVID popped up. The census is incredibly important and I know the council had said we can do as much as we can as we are in August now, it would be great for us to know what if any areas of the city are undercounting that we suspect is occurring or we could help out. Or anything we could do as council. Mr. Carpenter: I can't give you exactly, but I can tell you at the time when we apply for the grant, we know the Avondale area was underrepresented. The idea was to use that grant to...the census has a mobile unit and they will bring it out and people can register right there. We were going to have an event at Rohrer Park and that was all prior to Montgomery County becoming a level three. That has been postponed. I know that particular area is underrepresented. I can look into it. Mayor Williams: That would be good information for them to have and just to know as they are talking to folks in different parts of our communities. Mr. Denning: If we need to push a certain area or get mailers into a certain neighborhood or pay for some Facebook advertising for a specific area. Once we know they are going to show up on a certain day, then we really need to push that. Ms. Fry: The challenge is that this year, because of the delay in the door knocking phase of the census, we just aren't going to get that much out of...I don't even know if they have started the door knocking phase or not. Mr. Carpenter: They have not, in fact, we just posted something today we got from the census that this is the last call for employees who wish to do that type of work. Mayor Williams: I think it has been self-reporting up to this point. Deputy Mayor Lommatzsch: They have moved the final date out. Mr. Carpenter: Yes. I don't recall the exact date. Ms. Fry: It is extended, but it is still a much shorter window then we typically would get. Mayor Williams: There is going to be challenges this year. I don't want as a council for us to be sitting here in November or December and say, oh, we had some under counted neighborhoods. If we are able to do anything between now and then; obviously there has been a lot going on in the community and in our world this year, but census is just too important for us to not try to do what we can. It would be great if you could provide us with what areas there possibly is some undercounting and then we can see what we can do as a council.

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Mr. Denning: Remember the grand opening for the new Taco Bell is this coming Tuesday at 2:30 pm; hopefully, you have RSVPed if you can.

ITEM 10: PUBLIC COMMENT ON AGENDA ITEMS: No one requested to speak.

ITEM 11: OLD BUSINESS

A. ORDINANCES

I) Ordinance No. 20-O-729 determining to proceed with the improvement of certain streets between certain termini in the City of Riverside, Ohio by lighting the same with electricity (2nd reading, public hearing, adoption)

Mr. Denning motioned to approve the second reading of Ordinance No. 20-O-729. Ms. Fry seconded the motion. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing for Ordinance No. 20-O-729. No one wished to comment. Mayor Williams closed the public hearing.

Roll call went as follows: Mr. Denning, yes; Ms. Fry, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Lommatzsch, yes; Mr. Teaford, yes; and Mayor Williams, yes. Motion carried.

ITEM 12: NEW BUSINESS

A. ORDINANCES

I) Ordinance No. 20-O-731 making supplemental appropriations for current expenses and other expenditures of the City of Riverside, State of Ohio, for the period of January 1 through December 31, 2020, and declaring an emergency. (1st & 2nd reading, public hearing, and adoption)

Mr. Carpenter: This is a supplemental appropriation primarily for the emergency repair on the Harshman wall. We are asking for \$80,000. Also, appropriate \$6,000 to perform an inspection on the rest of the wall; \$22,000 to add to our legal fees as we have had a lot of use, kept our law director very busy and we have some negotiations ongoing in addition to some coming up so we anticipate there may be some additional legal fees. There is \$8,000 to add to the water utility. We did have a problem in the 5100 building; there was an ongoing leak and the issue with the backflow preventer. We have stopped the leak and we need to replace the backflow preventer, but we will do that with our building maintenance budget. There was no EDGE funding this year; we were unsuccessful with the CDBG grant so we are cleaning that up and removing that from the budget.

Mr. Denning motioned to approve the first reading of Ordinance No. 20-O-731. Mrs. Franklin seconded the motion. The clerk read the ordinance by title only.

Roll call went as follows: Mr. Denning, yes; Mrs. Franklin, yes; Ms. Campbell, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; Mr. Teaford, yes; and Mayor Williams, yes. Motion carried.

Deputy Mayor Lommatzsch motioned to suspend the rules that dictate the number of days between the first and second readings. Mr. Denning seconded the motion.

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Roll call went as follows: Deputy Mayor Lommatzsch, yes; Mr. Denning, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Teaford, yes; and Mayor Williams, yes. **Motion carried.**

Mr. Denning motioned to approve the second reading and adoption of Ordinance No. 20-O-731. Deputy Mayor Lommatzsch seconded the motion. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing for Ordinance No. 20-O-731. No one wished to comment. Mayor Williams closed the public hearing.

Roll call went as follows: Mr. Denning, yes; Deputy Mayor Lommatzsch, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Teaford, yes; and Mayor Williams, yes. **Motion carried.**

II) **Ordinance No. 20-O-732 waiving the bidding requirements of Chapter 139 and authorizing the city manager to enter into a contract with Kokosing Construction Company to repair the damaged Harshman Road median wall, which is city property, and declaring an emergency. (1st & 2nd reading, public hearing and adoption)**

Mr. Carpenter: This ordinance is for the emergency repair of the Harshman wall, but due to the emergency, we are asking to suspend the rules and I've invited Ms. Dalma Grandjean, our law director, to describe the process. In the past, we have had some discussion on the ordinance and public hearings and emergencies so Dalma, if you would weigh in on the process to pass this emergency ordinance. Ms. Grandjean: We are about to do what you just did on the prior supplemental appropriation ordinance. There are two aspects what is out of the norm when there is one reading or two readings on one day and an emergency ordinance. The first of these, the suspension of the rules applies to the suspension of the seven-day notice period after the first reading and before the second reading, and the notification of the public hearing after the second reading. When the rules are suspended by at least five of the council members, then those two readings can happen at on meeting that is what you just did with 20-O-731. We are asking that be done with ordinance 20-O-732, and it be declared an emergency so that it goes into effect immediately upon adoption. A routine ordinance does not go into effect until 30 days after the adoption. Because of the urgency of the crumbling wall, we believe that this ordinance needs to be adopted immediately allowing an exception to the contracting requirements under Chapter 139. Since Chapter 139 is an ordinance that sets forth the threshold at which bidding has to be done, an ordinance is needed to amend it. This ordinance effectively amends the process in Chapter 139 making it unnecessary to do a public bidding and allowing the city manager to go ahead and contract immediately with the Kokosing company so that the wall can be repaired before anybody is hurt.

Ms. Fry: Dalma, at the beginning you said there was something different about us doing two in one day. Ms. Grandjean: Not two ordinances in one day, but having both readings in one day. The normal is to have readings at two separate meetings.

Deputy Mayor Lommatzsch motioned to approve the first reading of Ordinance No. 20-O-732. Mr. Denning seconded the motion. The clerk read the ordinance by title only.

Roll call went as follows: Ms. Lommatzsch, yes; Mr. Denning, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Teaford, yes; and Mayor Williams, yes. **Motion carried.**

Mr. Denning motioned to suspend the rules that dictate the number of days between the first and second readings. Mr. Teaford seconded the motion.

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Roll call went as follows: Mr. Denning, yes; Mr. Teaford, yes; Ms. Campbell, yes; Ms. Fry, yes; Mrs. Franklin, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

Mr. Denning motioned to approve the second reading and adoption of Ordinance No. 20-O-732. Mr. Teaford seconded the motion. The clerk read the ordinance by title only.

Mayor Williams opened the public hearing for Ordinance No. 20-O-732. No one wished to comment. Mayor Williams closed the public hearing.

Roll call went as follows: Mr. Denning, yes; Mr. Teaford, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Ms. Lommatzsch, yes; and Mayor Williams, yes. **Motion carried.**

III) **Ordinance No. 20-O-733 authorizing the city manager to enter into an amendment to the agreement for electric generation supply with a competitive retail electric service provider, and declaring an emergency. (1st & 2nd reading, public hearing and adoption)**

Mr. Carpenter: This ordinance is to amend the city's electric aggregation agreement through the MVCC. We partner with 26 other agencies to get an approved and better rate through IGS. There was a recent study that was done to recommend extending the contract until 2024 to get a lower rate. This would save the city approximately \$5,700 through the amendment.

Deputy Mayor Lommatzsch motioned to approve the first reading of Ordinance No. 20-O-733. Mr. Denning seconded the motion.

Mayor Williams asked if they needed to do the first and second reading and adoption in one night. Mr. Carpenter stated they do not need that. When legislation was first put together it was uncertain when it needed to be turned in. This is an all or nothing; all 26 agencies had to approve and say yet to the amendment before it could go forward. When it was heard everyone was approving the amendment it was up against the clock, but didn't get confirmation on when it had to be approved. Since then, it was found it does not have to be an emergency and the normal process can be followed. Ms. Grandjean stated that the emergency has to do when it goes into effect. There is the other issue if council wishes to suspend the rules to have first and second readings today. Either it can all be done in one fell swoop and go into effect immediately. Immediately, means the city will approve to amend the contract whenever that is due to be done. The first and second readings can either be done in two separate council meetings or both today. Mr. Denning asked if they got the information out to the public in time saying there is a public hearing in enough time. Mr. Carpenter replied that the public hearing did not get published so this would be where a rule suspension would be required. Mrs. Franklin added if they don't need it just do the first reading. Ms. Fry preferred to do the first reading only. Ms. Grandjean asked if there would be a problem with timing if it didn't go into effect for another 30 days after adoption at the next meeting; that is the emergency portion as to when it goes into effect. An emergency can be declared at it be read at two separate meetings. Mr. Denning confirmed that it needs to be declared an emergency, but can do two separate meetings and give folks enough time to let them know there will be a public hearing. The clerk read Section III of the ordinance that declares it being an emergency, as well.

The clerk read the ordinance by title only.

Roll call went as follows: Ms. Lommatzsch, yes; Mr. Denning, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Teaford, yes; and Mayor Williams, yes. **Motion carried.**

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B. RESOLUTIONS

- I) Resolution No. 20-R-2604 setting forth appointment of Ron Brohm to the Parks and Recreation Commission for the term expiring on August 2, 2023.
- II) Resolution No. 20-R-2605 setting forth appointment of Ruth Newhouse to the Parks and Recreation Commission for the term expiring on August 2, 2022.
- III) Resolution No. 20-R-2606 setting forth appointment of Anthony Kraus to the Parks and Recreation Commission for the term expiring on August 2, 2023.

Deputy Mayor Lommatzsch motioned to approve Resolution Nos. 20-R-2604, -2605, and -2606. Mr. Denning seconded the motion.

All were in favor; none opposed. Motion carried.

- IV) Resolution No. 20-R-2607 authorizing the purchase of road salt for 2020-2021 and 2021-2022.

Mr. Carpenter: This resolution is to enter an agreement with the Southwest Ohio purchasing group for road salt for 2020-2021 season and also the 2021-2022 season.

Mr. Denning motioned to approve the Resolution No. 20-R-2607. Mrs. Franklin seconded the motion.

Mr. Teaford asked if they knew what they would pay for salt this year. Mr. Denning replied it was \$47.17. He added it is a lot less than what they have paid in the past. Mr. Carpenter stated there wasn't much salt used so there is a lot on hand.

All were in favor; none opposed. Motion carried.

ITEM 13: PUBLIC COMMENT ON NON-AGENDA ITEMS: Mayor Williams invited Mr. John McGinn to the podium and asked him to state his name and address and to keep comments to three minutes. Mr. McGinn: John McGinn, 740 Spring Garden; I'm here tonight to discuss a trailer that is parked on Spring Garden Place. It has been there since June 1; the trailer has been parked on the street all but five days. As you can see from the pictures, it is kind of hard when I leave my driveway to see up the hill. There are four houses on the first picture of me pulling out, there are four house I cannot see as I pull out. I have to pull out almost 2/3 of the way to the street to see the street clearly. This has been going on, roughly, on and off since 2019. Police came out at Easter 2019, because of, we will call it a domestic disturbance as we were having a rather loud argument so the cops came out. We've put our car on the street. Right now, this is what it looks like on our street. That is my van that I put there to try to allow for visibility on the street. Last Tuesday, the 29th, this warning sticker got put on the trailer. It is still on the trailer; it has not been moved. We've called the police previously; they have come out; they have talked to the individual. When we talked to the police officer afterwards they said all he has to do is move it six inches and that is all that is necessary to satisfy whatever situation is occurring. But, it is actually in violation of being parked in the wrong direction. We parked our van there one day when they left in the picture you can see the truck and trailer there. It has not been parked with the truck and the trailer since June 18 when we parked out van there to allow us some visibility. It is getting frustrating because my son now has to park in the street because he doesn't feel safe backing our of our driveway; he is 16 and a new driver. He cannot see; we cannot see. As I am pulling out, I can see a little bit up the street, but there are two houses and two driveways I flat out can't see at all as I get further out there way more that I can't see. I don't know what needs

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to be done. The police apparently...I don't know if I am supposed to call the police everyday and say hey, it is still parked there; I don't know if that is going to get us anywhere or not. The sticker has not been followed up on; I know a police officer has driven by on Monday, based on what I have seen. The sticker was given three citations; only one of them should really be valid. Unfortunately, expired plates are not an issue at this point because of the state of emergency of COVID. The police officers have informed us it is not a commercial vehicle so the second one is not valid. The third one, 351.04 (C)(1) is the parked on the wrong side of the road violation. On June 25, he said that he couldn't park it in the driveway because there was a street preventing him from backing it in and he would try again later. He has not attempted to put it in his driveway, ever since. Again, this has been going on for two years now, on and off. The winter was nice because he didn't need to. He is currently using it as a third garage. There is a two-car garage behind and he uses this as a third car garage. Question for council would be: What is there to do? First off, maybe enforcing 351.04 (C)(1). I looked at Dayton and they talk about storing vehicles that no person shall park on streets if so placed for a matter of convenience for the person. Huber Heights and Kettering both have ordinances discussing size of vehicles, 8' or 7' in height and width, 22' in length. This vehicle, the pictures you have you will notice goes from driveway to driveway. Our lots on that street are 70' long. I am thinking the trailer is more than 22'. Now, these are not Riverside ordinances, but they are local ordinances in the area. That might be something the city needs to look into for a safety perspective; I don't think it is safe. The other one I did find that I thought was an interesting touch was that Kettering, the way I interpret 452.03 (B) is that you cannot park within 5' of a driveway. Not a fire department driveway, which is in everyone's ordinances, but just says driveway or alley, public or private driveway. I don't know what can be done; we have talked to zoning and because it is on the street zoning can't touch it they told us. The police have told us it is parked legally, the truck and trailer is parked legally on the street when they are together so we have sort of prevented that a bit by parking our van there for safety purposes. It is now parked in the wrong direction for 30 or 40 days now. It has been stickered now for nine days and it is still there. The resident has been coming and going since that sticker has been there. I can't confirm he has seen the sticker; I know he has at least passed his vehicle that trailer usually he goes up the hill not down the hill. Mayor Williams: The sticker was issued on the 29th your said? Mr. McGinn: Yes. Mayor Williams: Was there a time limit on the sticker? Mr. McGinn: No. Mayor Williams: I think 10 days when it is on...Mr. Carpenter: On code enforcement...Mayor Williams: Code enforcement 10 days, but I think in the public right-of-way it might be less than 10 days. Mr. McGinn: There is no time limit listed on the violation. Mayor Williams: I certainly think we can have follow up on the sticker. Mr. Carpenter: I will talk to the chief about that. Mayor Williams: I know this has been an ongoing issue on that street with this vehicle. Mr. McGinn: Yes, it has; thank you for listening.

Mayor Williams welcomed Mr. Don Waker to the podium and asked him to state his name and address for the record. Mr. Waker: My name is Don Waker; I live at 755 Spring Garden Place in the City of Riverside. I've lived in Riverside for over 55 years at that address and this is the first time I have had trouble. It is the same trouble Mr. McGinn has with that man and his trailer. He does have it parked just like John said, and there are times I have put my truck or my car out on the street to keep him from putting that trailer in the front of my house. It is bad enough having it across the street. I don't think any of you people here would enjoy seeing that setting in front of your lot or whatever you call your place where your house is. I've called the police. You call over there and as soon as you tell them what your address is that is the last of the conversation with the police. They don't come. They don't answer; they don't knock on your door. It is just a total waste of time trying to get help with the Riverside Police on this. Now Mr. Mayor, when you were running for your office here as mayor, you stopped at my house and asked for my vote. I asked you to look at that man's trailer over there. I said do you actually believe that is a utility trailer. Your reply was no, that is not a utility trailer. I think you said it looked more like a moving van. I don't think I have every seen a utility trailer that you could drop the tailgate down to the ground and drive your car into it, but I've seen him do that several times. That part doesn't bother me. When he parks

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his trailer; if he wants to park in his driveway, he has to come down the hill and get in his driveway. If I have my car out there, he is not going to back that thing into his driveway; he doesn't have room. He did knock on my door one time and asked me if I would move my truck or my car; I have a truck, too, but keep it in the garage. I did move my car, but I didn't move it back far enough so he could just scoot me down the street and leave his truck and van in front of my house. Another thing, he has pulled into my driveway at least three times. He doesn't pull in to where just the apron is; he pulls in full in the driveway so he can back that oversized trailer in his driveway. Now, I have thought about maybe I should get my shotgun and blow the heck out of his radiator, but I think the police would probably want to take some action where they don't want to do anything about his trailer. If it was a utility trailer, you would undoubtedly have room to back in his driveway. It is not a utility trailer; it is way oversized. I don't have too much more to say. I think most of you can understand what I am saying so I won't say anymore. Thank you for listening. Mayor Williams: I appreciate your time and coming out to visit us tonight.

ITEM 14: COUNCIL MEMBER COMMENTS: Mrs. Franklin: My son is getting married on Saturday. I will be leaving tomorrow for Washington; they are just getting married in the courthouse. It was a last-minute thing. I will be gone until Tuesday, next week.

Mayor Williams: I wanted to say something briefly. I made this following comment to the staff member last week as well. When we had our special meeting last Thursday, some of our debate got a little on the heated side and I wanted to apologize to Mr. Burkholder if I was...some of my passion came across as disrespectful. I should have been thanking him for all the work he put in to his presentation as opposed to just continually jumping in. The level of professionalism wasn't what I would hope for from a mayor so I apologize to Gary and said I hoped in the future we could have a wonderful working relationship. I meant it when I said I really am excited Gary is here working with Mark and moving our city forward. We might not see eye-to-eye on the issue we discussed last week, but that certainly doesn't mean that I should jump in and interrupt as often as I did. I apologized to Gary privately and I also wanted to do it publicly because I do really feel like Gary and the staff here are doing a great job, and I should have been thanking them for all the work they did as opposed to finding reasons to make my point again and again. I thank the staff for all the work they did last week on the special meeting and I want them to know as elected officials and myself as the mayor, we are thankful for all the things they do for us. Gary and I had a great conversation early this week and I continue to be hopefully we will have a great working relationship as I do with the other members of council here. I just wanted to say that. I still get fired up at times, but I don't want that to come across as disrespectful and I want the other members of council to know that as well.

Deputy Mayor Lommatzsch: Thank you, Mr. Williams, I think we all appreciate that. I had a zoom meeting this morning with MVRPC for two hours. I have an issue on the table. There was a vote taken to table this issue, and I voted to table because I didn't feel like I was in a position to answer on behalf of the council. I have the asked the clerk to email the resolution to you and you have a hard copy at your desk. It is a pretty feisty issue to deal with; the question at hand is the resolution ensuring equity, diversity, and inclusion in all MVRPC staff, committee, and board of directors' actions and addressing racism as a public health emergency. I didn't feel in a position I could answer on your behalf this morning so I did vote to table. We have 60 days. I do think it is appropriate we take time. We haven't ever discussed this here. Other cities and municipalities and commissions have passed resolutions. Huber Heights, Nancy, just said at the meeting this morning that they passed a resolution. I asked the clerk to try and get a copy of that resolution so we might see what they have done. We know the City of Dayton has passed a resolution, Montgomery County has passed a resolution. I would like for that to be on the agenda for us to have a discussion after you have all had time to sort out your thoughts and direct me as to how you wish for me to vote at MVRPC.

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Mr. Denning: To tie on to your apology earlier, what people need to understand is just because we are on different sides doesn't mean we aren't getting along. We may not agree on a subject, but that doesn't mean we don't agree on 95% of the other subjects that we work on. We need each other's information to help us come to a conclusion as a group. Yes, we represent 25,000, but not all 25,000 are always on the same side. When you see a vote of 4-3 or 3-4 of 5-2, whatever, that means that we are all representing those other sides of the story and that is why you have seven people on a council to make a final decision. My position has always been once the council makes that decision then I am on board with it. But, we all deserve to be able to say and have our reasoning on why we are voting a certain way. We don't have to tell you why we are voting that way, but if somebody asks me, I will tell you why I am voting one way or the other. But we aren't always going to vote the same direction and for people to go out there on social media and say well, they didn't vote our way so we are going to vote them out is ridiculous. That is not the way the system works; we represent everyone. We don't always all vote the same way, but once that vote is taken and we are don't whether it is an ordinance or a resolution, then at least for myself I am on board with whatever that decision was. Deputy Mayor Lommatzsch: That's called democracy. Mr. Denning: That is called democracy.

Ms. Campbell: I kind of agree with Mike. He said they were out there on Facebook talking about not voting for this person ever. It is not that simple. You can go in there and try to do something, but it is not that simple to get everybody to agree. When somebody doesn't agree, they want to come back on them and say all kinds of bad things. If they feel that way, why don't they run for council and see how hard it is to get something done? I worked for eight years to try and finally get the curfew out there and finally got it. I wish they would push it a little more. There are kids out here all night long, little ones. Mayor Williams: Thank you, Bev, I will endeavor to keep our debate passionate, yet, respectful.

ITEM 15: EXECUTIVE SESSION: Deputy Mayor Lommatzsch motioned to recess into executive session for the following reasons: Section 103.01(4) – preparing for, conducting or reviewing negotiations or bargaining sessions with public employees and officials of the City concerning their compensation or other terms and conditions of their employment. Mr. Denning seconded the motion. Roll call went as follows: Ms. Lommatzsch, yes; Mr. Denning, yes; Ms. Campbell, yes; Mrs. Franklin, yes; Ms. Fry, yes; Mr. Teaford, yes; and Mayor Williams, yes. **Motion carried.**

ITEM 16: RECONVENE: Council reconvened at 8:41 pm.

ITEM 17: ADJOURNMENT: Mr. Denning motioned to adjourn. Mr. Teaford seconded. All were in favor; none were opposed. The meeting adjourned at 8:42 pm.



Peter J. Williams, Mayor



Clerk of Council